



U.S. Department of Justice

Federal Bureau of Investigation

Records Management Division

Winchester, VA 22602-4843

John Whiteside



22 JAN 2013

b6 -1

Re: Manuscript: "Fool's Mate"

Dear Mr. Whiteside,

This letter is in response to your request of February 7, 2012, for review of the above referenced manuscript for publication pursuant to the Federal Bureau of Investigation's (FBI) Prepublication Review Policy (PRP) and Prepublication Review Manual (POL05-001-RMD).

This manuscript was reviewed pursuant to the terms of the PRP and the reviewer noted the following matters which require possible amendment/correction.

1. This information is determined to be law enforcement sensitive.
2. This information is determined to be law enforcement sensitive.
3. This information is determined to be law enforcement sensitive.
4. This information is determined to be law enforcement sensitive.
5. This information is determined to be law enforcement sensitive.

b7E -3

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You may include your past FBI employment as part of your biographical data, providing that the FBI is given no more emphasis than other similar biographical information. In addition, please incorporate a disclaimer advising readers that the opinions expressed in the manuscript are yours and not those of the FBI.

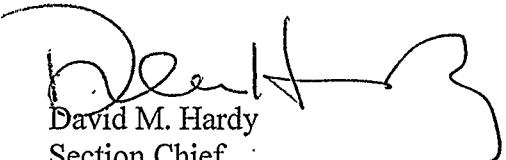
C1683518 -
257A-12-~~5511~~ - 435 PREPUB-8824

Please submit a copy of the amended pages for review by this office before proceeding in this matter.

Should you have any questions, please do not hesitate to contact [redacted] at 540-868-1697 or via e-mail at [redacted]. Thank you for your participation in the FBI's prepublication review process.

b6 -2
b7E -4

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section

Re: Fool's Mate - The Lipka Case

b6 -1

Sent: Tuesday, December 18, 2012 10:26 AM
To: FBI.PREPUB
Cc: [REDACTED]
Attachments: FOOL Mate -Response to FBIHQ.doc (36 KB)

b6 -2

Attached for your information is my response to your questions. The reason for the delay was based upon the volume of research you levied upon me, noting that this original manuscript was approved as written by a Mr. David M. Hardy by letter to me dated 06/11/2009. — *Not True! - Original Email!*

Additionally, there are many individual components in some of the sections you wanted reviewed, and I cannot respond completely accurately, as I cannot ascertain what exactly it is that upsets your colleagues.

In any event, the entire Lipka case was declassified for trial according to [REDACTED]

b6 -3

I sincerely hope this answers your questions and you will get this manuscript approved, again.

Thank you for your consideration.

John W. Whiteside

----- Original Message -----

From: "FBI.PREPUB" [REDACTED]
To: [REDACTED]
Cc: "David M. Hardy (RMD) (FBI)" [REDACTED]
Sent: Friday, December 14, 2012 9:12:37 AM
Subject: FW: Fool's Mate - The Lipka Case

b6 -1, 2
b7E -4

John,

Just checking up on the progress of this.

Thanks.

b6 -2

[REDACTED]
Prepublication Review Office
Records Management Division
Record\Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602
Tel: (540) 868-1697
Fax: (540) 868-4997

From: FBI.PREPUB
Sent: Wednesday, November 14, 2012 3:40 PM
To: [REDACTED]
Subject: RE: Fool's Mate - The Lipka Case

b6 -1

John,

Good News, we have some movement on your book, but now I need your help. For the passages I mention below, can you provide me public source information to see if this information is publicly known? This will help us tremendously as our external reviews have come back with several areas they want us to check on. Thanks for any help you can provide.

[Redacted Box]
b6 -1
b7E -3

John, Thanks for any info you can provide. Hopefully this will help all parties move forward. I appreciate your patience.

[Redacted Box]
b6 -2
Prepublication Review Office
Records Management Division
Record\Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602
Tel: (540) 868-1697
Fax: (540) 868-4997

From: [Redacted Box]
b6 -1
Sent: Tuesday, October 23, 2012 9:36 AM
To: FBI.PREPUB
Subject: Re: Fool's Mate - The Lipka Case

[Redacted Box]
b6 -2
Wish I could believe you, but this is a bit ridiculous. Nearly nine months for a manuscript that has already been approved once before. Thanks anyway for the "more of the same heads up."
John

----- Original Message -----
From: "FBI.PREPUB" [Redacted Box]
To: [Redacted Box]
b6 -1
b7E -4
Sent: Tuesday, October 23, 2012 9:22:42 AM
Subject: RE: Fool's Mate - The Lipka Case

[Redacted Box] PREPUB-8827
12/20/2012 b7E -4

Fool's Mate - The Lipka Case

b6 -1

Sent: Tuesday, February 07, 2012 8:34 AM
To: FBI.PREPUB
Attachments: FoolsMate_Final_clean[1].doc (695 KB)

Hello [redacted]

b6 -2

We spoke earlier this year about my re-submitting my manuscript for a second approval by your unit. Hopefully, you will recall that [redacted] sent me an approval letter for the first manuscript dated June 11, 2009. Since that time, my editor has re-worked the manuscript, making it a better read. Little has been added, and for the most parts, a lot has been deleted.

Thanks for taking the time to read over the story. Kindly acknowledge receipt of this e-mail and the enclosure so I know its in your hands. Looking forward to hearing from you!

Regards,

John Whiteside
[redacted]

b6 -1

[redacted] PREPUB-8828
12/20/2012 b7E -4

safety threats); the FBI Whistleblower Protection Act (5 U.S.C. 2303, 28 C.F.R. Part 27) (governing disclosures of illegality, mismanagement, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential government agents); and the statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798, and 952 of Title 18, United States Code, and Section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by the foregoing authorities are incorporated into this policy and are controlling.

2.3.6. Prepublication review is not required for proposed disclosures encompassed by the foregoing authorities. However, any information disclosed pursuant to these authorities continues to be subject to the prepublication policy for any other disclosure.

Example: An FBI employee may make a disclosure of classified FBI information to appropriately cleared personnel of the DOJ OIG pursuant to the FBI Whistleblower Protection Act without prepublication review. The employee may not, however, make an identical disclosure to a reporter without subjecting the disclosure to prepublication review because disclosures to reporters are not protected by those authorities, even if an identical protected disclosure has been made.

2.4. Prohibited Disclosures

Employees shall not disclose the following types of information to unauthorized recipients, except in the performance of official duties or as authorized by RMD:

- 2.4.1.** Information protected from disclosure by the Privacy Act of 1974, as amended
- 2.4.2.** Information that is classified or the disclosure of which could harm national security
- 2.4.3.** Information that reveals sensitive law enforcement, intelligence, counterintelligence, or counterterrorism techniques, sources, or methods of the FBI or any other governmental entity
- 2.4.4.** Information that would reveal grand jury material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure
- 2.4.5.** Information that would tend to reveal the identity of a confidential source or the identity of a government agency or authority or private institution which furnished information on a confidential basis
- 2.4.6.** Information that relates to any sensitive operational details or the substantive merits of any ongoing or open investigation or case

- 2.4.7. Proprietary information and trade secrets
- 2.4.8. Information pertaining to wiretaps or intercepts, electronic communications (including storage mechanisms), or foreign intelligence protected or regulated by Title III (Title 18, United States Code, Sections 2510-2520) or F.I.S.A. (Title 50, United States Code, Sections 1801-1862)
- 2.4.9. Information pertaining to currency transaction reports regulated or protected by Title 31, United States Code, Section 5313- 5319
- 2.4.10. Tax return information regulated or protected by Title 26, United States Code, Section 6103
- 2.4.11. Information pertaining to contractor bids or proposals or source-selection information before the award of the procurement contract to which the information relates
- 2.4.12. Any other information the disclosure of which is prohibited by law, Executive Order, or regulation
- 2.4.13. Any other information that the FBI would have discretion to withhold from disclosure pursuant to civil discovery obligations, the Freedom of Information Act, Privacy Act, or any other statute, law, or regulation

2.5. Employee Accountability for Permitted Disclosures

- 2.5.1. Disclosures will not be prohibited pursuant to this policy solely because they are critical or disparaging of the FBI, the government, or any individual. Any disclosure by a current employee, however, that adversely affects the ability of the employee to effectively and efficiently fulfill his/her official responsibilities or interferes with the FBI's operations may subject the employee to administrative or disciplinary action for the consequences of the disclosure. Examples of disclosures that are not prohibited under this policy but still may subject the employee to disciplinary action are the disclosure of private grievances and disclosures that significantly impair discipline or harmony among coworkers. These types of disclosures could have detrimental impacts on close working relationships where personal loyalty or confidence is necessary, impede the performance of the employee's duties, or interfere with the regular operations of the FBI. An employee will not be prohibited from making such disclosures but may be held accountable for the consequences of the disclosures.

Example: An ASAC publishes a scathing attack on the management style of his SAC and thereby loses the trust and confidence of the SAC, disrupts unit cohesion, and prejudices the effectiveness of the office. The ASAC may be disciplined for those

No. _____

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Criminal Division

THE UNITED STATES OF AMERICA

v.s.

ROBERT STEPHAN LIPKA,
a/k/a "Rook,"
a/k/a "Dan"

INDICTMENT

18 U.S.C. § 794(c)
Conspiracy to commit espionage - 1 count

A true bill.


2/27/96
Foreman

b6 -1

Filed in open court this _____ day,
of _____ A.D. 19 _____

Clerk

Bail, \$ _____

PREPUB-8831

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

UNITED STATES OF AMERICA

MAY 23 1997

v.
ROBERT STEPHAN LIPKA,
a/k/a "Rook,"
a/k/a "Dan"

MICHAEL E. KUNZ, Clerk
Clerk : Dep. Clerk
CRIMINAL No. 96-00072-01

48

STATEMENT OF FACTS

1. The National Security Agency (NSA) is an agency of the United States Department of Defense headquartered at Fort Meade, Maryland.
2. The mission of NSA, at the time of this offense, included the interception of foreign electromagnetic, radio, radar and other transmissions, and the production of intelligence from those signals for use by the United States military and other United States intelligence agencies.
3. From at least September 1965 through August 1967, the Priority Materials Branch of NSA's Current Intelligence Division was responsible for receiving, reviewing and analyzing classified intelligence information; determining which office within NSA required the material; and assigning the material for distribution and routing.
4. From at least September 1965 through August 1967, the Priority Materials Branch received classified intelligence information in two ways. First, typewritten classified reports from the Central Intelligence Agency, the Department of State, and other components of the Department of Defense, including the Army, Navy, Air Force and the

*Statement of Facts - United States v. Robert Stephan Lipka**Page 2*

Defense Intelligence Agency, were delivered by courier. Second, electrically generated, classified reports, cables, telegrams, and airgrams — either being sent from NSA headquarters to other NSA facilities, or being received at NSA headquarters from other NSA facilities — were printed on teleprinters located within the Priority Materials Branch.

5. Defendant Robert Stephan Lipka enlisted in the United States Army on or about August 19, 1963.

6. From on or about October 22, 1963, to on or about January 22, 1964, defendant Lipka received official United States Army training at Fort Holabird, Maryland, to be an intelligence analyst.

7. On or about January 22, 1964, defendant Lipka was issued a "Top Secret" United States government security clearance and received official authorization to have access to cryptographic United States government information.

8. From on or about January 22, 1964, to on or about August 19, 1967, defendant Lipka was assigned to the National Security Agency.

9. From in or around September 1965 to in or around August 1967, defendant Lipka was assigned to the Priority Materials Branch of NSA's Current Intelligence Division.

10. From in or around September 1965 to in or around August 1967, defendant Lipka's responsibilities at NSA included removing and distributing classified reports

*Statement of Facts - United States v. Robert Stephan Lipka**Page 3*

generated by the teleprinters; and periodically depositing classified reports no longer needed in a destruction chute.

11. The classified reports to which Lipka had access included information relating to the national defense, including but not limited to information directly concerning communications intelligence.

12. In or around August 1967, defendant Lipka left active duty Army service, ceased working at NSA, and moved to 403 Lancaster Avenue, Apartment #2, Lancaster, Pennsylvania.

13. From in or around September 1965 to in or around August 1967, defendant Lipka periodically removed classified documents from his workplace at the National Security Agency, Department of Defense (NSA) without authorization.

14. From in or around September 1965 to in or around August 1967, defendant Lipka delivered classified materials — including information relating to the national defense — to a representative of the Union of Soviet Socialist Republics (*Soviet Union*) by secreting the classified materials in various secure locations for later recovery by the representative.

15. From in or around September 1965 to in or around August 1967, defendant Lipka received periodic payments from the Soviet Union in the form of United States currency, totalling approximately \$27,000, which he retrieved from various secure locations where a representative of the Soviet Union had earlier secreted the payment.

*Statement of Facts - United States v. Robert Stephan Lipka**Page 4*

16. From at least January 1967 through August 1967, after receiving his periodic payments of United States currency from representatives of the Soviet Union, defendant Lipka returned to his apartment in Baltimore, Maryland, and counted his payments.

17. Defendant Lipka, after ending his assignment at NSA in August 1967, retained classified documents that he had taken from NSA.

18. From in or around September 1965 to in or around 1974 and thereafter, the Committee for State Security (*Komitet gosudarstvennoi bezopasnosti*, or *KGB*), the intelligence service of the Soviet Union, used officers to locate, contact, meet with, receive classified documents from, and deliver payments to defendant Lipka.

19. In or around the summer of 1966, in Baltimore, Maryland, defendant Lipka displayed to another three cameras that he said he had obtained for use in his unlawful espionage activities.

20. In or around January 1967, in Maryland, defendant Lipka secreted a package of classified materials in the tank of a commode located within the restroom of a restaurant.

21. Thereafter, in or around January 1967, in Maryland, defendant Lipka drove to a wooded area and searched for a package he expected to have been secreted there for him by a representative of the Soviet Union.

22. On or about May 21, 1967, defendant Lipka drove from Baltimore, Maryland, to a wooded area and secreted a package for later recovery by a representative of

*Statement of Facts - United States v. Robert Stephan Lipka**Page 5*

the Soviet Union, and retrieved a package containing United States currency earlier secreted there by a representative of the Soviet Union.

23. In or around August 1967, defendant Lipka brought classified documents into the Eastern District of Pennsylvania.

24. In or around November 1968, a representative of the Soviet Union contacted defendant Lipka by causing a post card to be delivered to his residence in Lancaster, Pennsylvania.

25. In or around December 1968, defendant Lipka travelled from his residence in Lancaster, Pennsylvania, to Waldorf, Maryland, to meet with a representative of the Soviet Union.

26. In or around 1970, defendant Lipka attempted to make contact with representatives of the Soviet Union using procedures previously established for that purpose.

27. In or around 1974, pursuant to instructions he received by mail, defendant Lipka travelled to a park in the Bronx, New York, and met with a representative of the Soviet Union.

28. Defendant Lipka's unauthorized deliveries of classified documents to the KGB were committed intentionally by Lipka, with knowledge that his conduct was unlawful. In addition, defendant Lipka had reason to believe that the information he was transmitting to the KGB would provide an advantage to the Soviet Union and would injure the United States.

Statement of Facts - United States v. Robert Stephan Lipka

Page 6

29. The term "national defense" as used in this statement of facts refers to the term "national defense" as it appears in 18 U.S.C. § 794, and in cases interpreting that statute.

30. Lipka committed the above acts knowingly and intentionally, not by accident or mistake.

Had a trial been held in this matter, the government would have lawfully proven all of the above beyond a reasonable doubt.

Respectfully submitted,

MICHAEL R. STILES
United States Attorney

Barbara J. Cohan
BARBARA J. COHAN
Assistant United States Attorney

michael c. liebman /gc
MICHAEL C. LIEBMAN
Senior Trial Attorney

I have read the above facts, and aver that they are true and correct to the best of my knowledge with the exception of ¶¶ 16, 17, 19, 20, 23, 25, 26 and 27. With respect to those paragraphs, I concede that the government would have proved the statements therein at trial.

Date 14 May 1944

Robert S. Lipka
ROBERT STEPHAN LIPKA
Defendant

Ronald J. Kild
6 *Att. for Plaintiff*

F A X

FM: John Whiteside
(484-318-7137 fax)

1/10/2013

TO:
FBI Pre Publication Review Office
(540-868-4997 fax)

b6 -2

SUBJ: Fool's Mate

Pages including cover sheet (19)

Enclosed for your info and review is the following:

The Sword and the Shield – The Mitrokhin Archive and the Secret History of the KGB – pages 1, 8-9, 18-19, 193-196, 205-206, 261, & 344. Since both this book and the Mitrokhin Archive are identical, only these pages are being forwarded to show identical info between the two despite page differences. Photo page of Lipka is identical in both books.

Also enclosed are 4 pages of Philadelphia Inquirer article dated 09/25/1997. I made a typo on the date in my previous response as edition dated 09/27/1997. Correct date is 09/25/1997.

That will complete the references. I will forward the original manuscript to you by e-mail.

John Whiteside

F A X

PREPUB-8838